



PLANNING DIRECTOR'S HEARING AGENDA

WEDNESDAY, JUNE 20, 2007

9:00 a.m.
City Council Chambers
City Hall

200 East Santa Clara Street
San Jose, California 95113-1905

Hearing Officers

Susan Walton, Principal Planner

Mike Enderby, Acting Principal Planner

**Joseph Horwedel, Director
Planning, Building, and Code Enforcement**

NOTE

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 535-7800 (VOICE), 294-9337 (TTY) at least two days, (48 hours) before the meeting. If you requested such an accommodation and have not already identified yourself to the technician seated at the staff table, please do so now. If you did not call in advance and do now need assistance, please see the technician.

NOTICE TO THE PUBLIC

Good morning, this is the Planning Director's Hearing of **June 20, 2007**. My name is _____ and I am the Hearing Officer for today's agenda. On behalf of the Planning Director, I would like to welcome you to this Public Hearing. Please remember to turn off all cell phones and pagers. A copy of the agenda is available on the table by the door for your convenience. A validation machine is available up the stairs at the rear of these chambers for parking tickets for the garage underneath City Hall.

The procedure for this hearing is as follows:

- Hearing Officer will identify the project as described on the agenda
- Staff report
- After the staff report, applicant and/or representative will have up to 5 minutes to speak and should make themselves known as their item comes up by approaching the microphone and identifying themselves and stating their home address, or just wave from the audience if you do not wish to speak
- Public testimony of up to 2 minutes, either for or against the project. Please state name and home address for the record
- After the public testimony, the applicant may make closing remarks of up to 5 minutes
- The Hearing Officer may ask questions of the speaker
- The public hearing will then be closed and the Hearing Officer will take action on the item. The Hearing Officer may request staff to respond to the public testimony, ask staff questions, and discuss the item

If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.

The Planning Director's action on these agenda items is final when the permit is signed and mailed, unless the permit is appealed. The Planning Director's actions are appealable in accordance with the requirements of Title 20 of the Municipal Zoning Code.

Note: If you have any agenda changes, please contact Lisa Vlay (lisa.vlay@sanjoseca.gov).

AGENDA

ORDER OF BUSINESS

1. DEFERRALS

Any item scheduled for hearing this morning for which deferral is being requested will be taken out of order, to be heard first on the matter of deferral. A list of staff recommended deferrals is available on the table. I will identify the items to be deferred and then ask for comments from the audience. If you want to change any of the deferral dates recommended or speak to the question of deferring these or any other items, you should say so at this time. I will now open the public hearing. The following items are proposed to be deferred.

The matter of deferrals is now closed.

2. CONSENT CALENDAR

NOTICE TO THE PUBLIC

The consent calendar items are considered to be routine and will be considered together. There will be no separate discussion of these items unless a request is made by the Director of Planning, staff, or the public to have an item removed from the consent calendar and considered separately. If anyone in the audience wishes to speak on one of these items, please come to the podium at this time.

- a. **PD07-015. Planned Development Permit** to allow construction of 3 additional single-family detached residential units at an existing single-family residence lot on a 1.7 gross acre site in the A(PD) Planned Development Zoning District, located at 376 Neilson Ct. (on the west side of Eberly Drive approximately 200 feet north of Branham Lane) (Giani Smith, Owner). Council District : 2. SNI: None. CEQA: Mitigated Negative Declaration.
Deferred from June 13, 2007.
(Project Manager: Avril Baty)
- b. **H07-013. Site Development Permit** to allow the installation of a 5,500 gallon water tank, along with minor site and landscaping improvements at an existing industrial facility on a 4.65 gross acre site in the IP Industrial Park Zoning District, located at/on the southeast corner of Zanker Road and Junction Avenue (2950 ZANKER RD) (Rs Zanker Rd I Llc, Owner). Council District 4. SNI: None. CEQA: Exempt.
(Project Manager: Suparna Saha)
- c. **TR07-078. Tree Removal Permit** to remove one live Liquid Amber tree, 78 inches in circumference, from the front yard of a 0.24 gross acre site in the R-1-5 Single-Family Residence Zoning District, located at 17900 Los Alamos Drive (Igor And Alla Ushomirsky, Owners). Council District 1. CEQA: Exempt.
(Project Manager: Suparna Saha)
- d. **SP07-033. Special Use Permit** to allow late night use at an existing eating establishment until 2:00 a.m. seven days per week on a 0.26 gross acre site in the DC Downtown Primary Commercial Zoning District, located on the west side of

N. 2nd Street approximately 100 feet north of E. Santa Clara Street (21 N 2ND ST) (Teresa Lopez, Owner). Council District 3. SNI: None. CEQA: Exempt. (Project Manager: Michelle Stahlhut)

- e. **TR07-095. Tree Removal Permit** to remove one Pine tree 185 inches in circumference from the front yard of an existing single-family residence in the R-1-8 Single-Family Residence Zoning District, located at/on the south side of Calistoga Drive 90 feet westerly of Custer Drive (1828 CALISTOGA DR) (Wilkerson Christine M Trustee, Owner). Council District 9. CEQA: Exempt. (Project Manager: Suparna Saha)
- f. **SP07-037. Special Use Permit** to construct a 400 square foot accessory structure at a single-family residential lot on a 0.3 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at 1644 Fallbrook Avenue, (Haas Steven J And Gertrude A, Owners). Council District 1. SNI: None. CEQA: Exempt. (Project Manager: Martina Davis)
- g. **SP07-029. Special Use Permit** to construct a 504 square foot addition to a detached garage for a single-family house on a 0.38 gross acre site in the R-1-8 Single-Family Residence Zoning District, located on the west side of Chapman Street approximately 160 feet north of Emory Street (826 CHAPMAN ST) (826 Chapman St Llc, Owner). Council District 6 SNI: None. CEQA: Exempt. (Project Manager: Martina Davis)
- h. **PD07-032. Planned Development Permit** to legalize an existing second single-family detached residential unit (2 units total, both existing) on an existing 0.33 gross acre site in the A(PD) Planned Development Zoning District, located on the south side of University Avenue approximately 100 feet northerly of Myrtle Street (970 University Avenue) (Sharen Dains, Owner). Council District 6. SNI: None. CEQA: Exempt. (Project Manager: Reena Mathew)
- i. **HA02-040-01. Site Development Permit Amendment** to remove previously approved parking structure and change of facade on a 6.19 gross acre site in the HI Heavy Industrial Zoning District, located at the southeast corner of Coleman Avenue and Aviation Way (ACM Aviation, Developer). Council District 3. SNI: None. CEQA: Reuse San Jose International Airport Master Plan Update EIR. City Council Resolution No. 67380. (Project Manager: Chris Burton)

The consent calendar is now closed.

3. PUBLIC HEARING

- a. **PD07-013. Planned Development Permit** to construct 67 single-family attached residences on a 3.479 gross acres site) in the A(PD) Planned Development Zoning District located on the south side of William Street, approximately 350 feet westerly of South 24th Street (1090 E. William Street) (22nd & William Street, Owner). Council District 3. SNI: Five Wounds/Brookwood Terrace.) CEQA: Mitigated Negative Declaration. (Project Manager: Michelle Stahlhut)

- b. **TR07-108. Tree Removal Permit** to remove one Live Oak tree, 125 inches in circumference, from an existing single-family residential lot in the R-1-8 Single-Family Residence Zoning District, located on the east side of South 16th Street, approximately 250 feet north of East William Street (450 South 16th Street) (Eric E and Charlene Shenk, Owners). Council District 3. CEQA: Exempt.
(Project Manager: Steven Rosen)
- c. **PD06-048. Planned Development Permit** to construct 246 attached residential units on a 4.83 gross acre site in the A(PD) Planned Development Zoning District, located on the north side of Montague Expressway, approximately 550 feet westerly of North 1st Street (Legacy Partners Residential, owner). Council District 4. SNI: None. CEQA: Addendum to the Final Environmental Impact Report for the North San Jose Area Development Policies Update.
(Project Manager: Rodrigo Orduna)
- d. **PD06-051. Planned Development Permit** to construct 104 single-family attached residences on a 1.49 gross acre site in the A(PD) Planned Development Zoning District, located on the north side of Montague Expressway, approximately 550 feet westerly of North 1st Street (Legacy Partners Residential, owner). Council District 4. SNI: None. CEQA: Addendum to the Final Environmental Impact Report for the North San Jose Area Development Policies Update.
(Project Manager: Rodrigo Orduna)
- e. **PD06-052. Planned Development Permit** to construct 50 single-family attached residences on a 1.90 gross acre site in the A(PD) Planned Development Zoning District, located on the north side of Montague Expressway, approximately 550 feet westerly of North 1st Street (Legacy Partners Residential, owner). Council District 4. SNI: None. CEQA: Addendum to the Final Environmental Impact Report for the North San Jose Development Policies Update.
(Project Manager: Rodrigo Orduna)
- f. **PD06-068. Planned Development Permit** to construct 127 single-family attached residences on a 1.74 gross acre site in the A(PD) Planned Development Zoning District, located on the north side of Montague Expressway, approximately 550 feet westerly of North 1st Street (Legacy Partners Residential, owner). Council District 4. SNI: None. CEQA: Addendum to the Final Environmental Impact Report for the North San Jose Area Development Policies Update.
(Project Manager: Rodrigo Orduna)

This concludes the Planning Director's Hearing for June 20, 2007. Thank you.

PLANNING DIRECTOR'S AGENDA ON THE WEB:
<http://www.sanjoseca.gov/planning/hearings/default.asp>
PUBLIC INFORMATION COUNTER
(408) 535-7800 CITY OF SAN JOSE